

# 11

DOCKET NO. NEU-40

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Carol J. Collins, Frederick Woodin,  
Minerva Villamor

Serial No.: 09/938,454

Group No.: 1615

Filed: August 24, 2001

Examiner: Humera N. Sheikh

For: REDUCED WAX MASCARA COMPOSITIONS

I hereby certify that this correspondence is being transmitted  
by facsimile on the date shown below  
to the United States Patent and Trademark Office at (703)308-6926

January 10, 2003

(Date of Deposit)

William E. McGowan

Name of applicant, assignee, or Registered Representative

  
(Signature)January 10, 2003

(Date of Signature)

Box Petitions  
Commissioner for Patents  
Washington, D.C. 20231

**PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 35 USC 1.137(b) AND  
REQUEST TO RESCIND REQUEST OF NON-PUBLICATION  
UNDER 25 USC 122(b)(2)(B)(i)**

Applicants petition for the revival of the above-identified application. Upon filing above application, Applicant submitted a Request and Certification under 35 USC 122(b)(2)(B)(i) ("Request") requesting that the application not be published under 35 USC 122(b) as the invention disclosed in the above application had not and was not intended to be at the time of filing subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

FAX RECEIVED

JAN 10 2003

PETITIONS OFFICE

01/20/2003 11:55:55 00000005 100/30 091307004

02 FEB1453 1300.00 CH

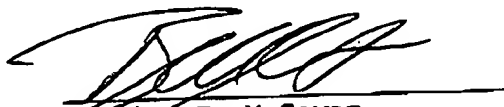
Applicants, however, subsequently did decide to file such an application in other countries. These international applications were filed on or after August 22, 2002. Applicants had forgotten that they had previously submitted the above Request and, thus, unintentionally failed to notify the Director within 45 days after the date of filing of such international applications. Application, thus, went abandoned under 35 USC 122(b)(2)(B)(iii). Applicants were not reminded that they had filed the Request until last week while Applicants' attorney was preparing a response to an office action in the above application.

Applicants, thus, respectfully request that the above Request be rescinded and the above Application be revived. The entire delay in filing this required request that the Request be rescinded from its due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Since the application was filed after June 8, 1995, no terminal disclaimer is required.

Please charge the other than small entity petition fee of \$1,300.00 to Account 10-0750/NEU-40/WEM and for any additional fee required.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/NEU-40/WEM. This sheet is submitted in triplicate.

Respectfully submitted,

  
William E. McGowan  
Reg. No.: 39,301

Attorney for Applicant(s)

JOHNSON & JOHNSON  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
Tel. No.: (732) 524-2197  
Date: January 10, 2003